



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/650,568

08/28/2003

John K. Cullinan

2420.001

8220

7590

04/06/2005

B. Craig Killough  
Barnwell Whaley Patterson & Helms, LLC  
P.O. Drawer H  
Charleston, SC 29402-0197

EXAMINER

CHOI, JACOB Y

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 04/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

38

<b>Office Action Summary</b>	Application No. 10/650,568	Applicant(s) CULLINAN, JOHN K.	
	Examiner Jacob Y. Choi	Art Unit 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 August 2003.  
 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
 6) ☒ Claim(s) 1 and 3 is/are rejected.  
 7) ☒ Claim(s) 2 and 4 is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
 10) ☒ The drawing(s) filed on 28 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:  
         1. ☐ Certified copies of the priority documents have been received.  
         2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
     \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/28/2003</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, a bow and light that is emitted by the second electrical light is directed towards a front of the trailer must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Objections***

2. Claim 2 is objected to because of the following informalities: limitations of "wherein light that is emitted by said second electrical light is directed towards a front of said trial", should be corrected as "wherein light that is emitted by said third electrical light is directed towards a front of said trial". Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Howell (USPN 3,887,093) in view of O. I. Nigh (USPN 1,415,465).

Regarding claim 1, Howell discloses a first stanchions (1) that is located on a rear portion of a vehicle trailer (5) and on right portion of the vehicle trailer (5), the first stanchion extending upwardly from the vehicle trailer (Figures 1 and 6), a second stanchion located on a rear portion of a vehicle trailer and on a left portion of the vehicle trailer, the second stanchion extending upwardly from the vehicle trailer (Figures 1 and 6), a first electrical light (65) that is present within a housing, and wherein the housing is mounted on the stanchion and the housing is viewable from a driver's seat of a towing vehicle (column 3, lines 20-40; *"the lights are positioned at the top position the placement thereof is at the extreme width of the load where clearance lights properly*

Art Unit: 2875

*belong*”), and a second electrical light that is present within a housing, and wherein the housing is mounted on the stanchion and above a boat of a vehicle that is positioned on the vehicle trailer.

Howell discloses claimed invention except for the details of lighting house, which having a front and rear colored lens.

O. I. Nigh teaches well known vehicle signal light structure that is utilized for the parking or signal lamp, where it has a closure 10 of glass or other transparent or translucent material in its front side and a an annular V-shaped red closure 12 of glass or the like in its rear. The light housing is mounted on the stanchion (Figure 3).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify vehicle trailer lights with the stanchion of Howell with light housing of O. I. Nigh. Reference O. I. Nigh suggest that his invention is useful in providing “a *parking lamp or signal lamp for automobiles and one that may be used in connection with, or combined with, a spot searchlight of any approved construction ... whereby such a signal light or parking light is provided which will be very efficient and economical in use*” (column 1, lines 5-20), where it would be beneficial to utilize light housing of O. I. Nigh to first by having forward lights to indicate the position of the vehicle trailer (indicating lights for the driver) and second by having rearward to signal the position of the vehicle trailer (indicating lights other drivers).

Note: claims in a pending application should be given their broadest reasonable interpretation. *In re Pearson*, 181 USPQ 641 (CCPA 1974). In order to be given patentable weight, a functional recitation must be supported by recitation in the claim of

sufficient structure to warrant the presence of the functional language. *In re Fuller*, 1929 C.D. 172; 388 O.G. 279.

Regarding claim 3, Howell in view of O. I. Nigh discloses the claimed invention, explained above. In addition, O. I. Nigh discloses the rear concave and colored lens of the first electrical light is red, and the front concave and colored lens of the first electrical light is amber.

#### ***Allowable Subject Matter***

5. Claims 2 and 4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: Because none of the references disclosed the combination of a first, a second and a third stanchion with a third electrical light located on a front portion of a vehicle trailer at a center portion of the vehicle trailer, wherein light that is emitted by the third electrical light is directed towards a front of the trailer, nor is there any motivation to combine them. The claims are deemed patentable over the prior art of record.

Gamble, Sr. (USPN 6,302,567) and Pratt (USPN 6,409,367) discloses a stanchion with a electrical light located on a standard trail hitch, wherein light that is emitted by the third electrical light is directed towards a front of the trailer.

#### ***Conclusion***

Art Unit: 2875

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

G. A. Knapp (USPN 2,739,224) – vehicle signal light

L. E. Davis et al. (USPN 2,738,414) – vehicle signal light

H. B. Donley (USPN 2,719,967) – signal lamp

Shaw (US 2003/0128105) – hitch-mounted lighting and safety accessory

McElveen (USPN 6,734,792) – hitch-mounted warning sign apparatus for a vehicle

Barr (USPN 6,322,238) – auxiliary lighting system

Massie (USPN 5,596,944) – boat trailer marking device

Wood (USPN 4,549,738) – boat trailer

Whitley, Jr. (USPN 3,885,146) – detachable trail light assembly for boat trailers

Rasinski (USPN 4,286,309) – detachable vehicle lighting fixture


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob Y. Choi whose telephone number is (571) 272-2367. The examiner can normally be reached on Monday-Friday (10:00-7:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2875

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JC



**JOHN ANTHONY WARD**  
**PRIMARY EXAMINER**